

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

MISC: 3:07-MC-62

IN THE MATTER OF :

ORDER

RULES OF PRACTICE AND :

PROCEDURE IN THIS COURT :

FILED
CHARLOTTE, NC

MAY 22 2007

U.S. DISTRICT COURT
WESTERN DISTRICT OF NC

Local Rule 73.1. Trial By Consent Before A Magistrate Judge.

For good cause appearing to the Court,

IT IS ORDERED that:

Effective **JUNE 1, 2007**, Local Rule 73.1 is **HEREBY SUSPENDED** and the procedures contained in this Administrative Order shall apply to all cases filed after the effective date of this Order.

Upon filing of a new civil case the Clerk shall assign the case to a district judge.

The plaintiff or the moving party in a removal action shall serve a copy of this Order; the Case Assignment Notice; the Notice of Availability of a Magistrate Judge to Exercise Jurisdiction and the Joint Stipulation of Consent to Exercise of Jurisdiction by a United States Magistrate Judge on all parties with the complaint or removal action.

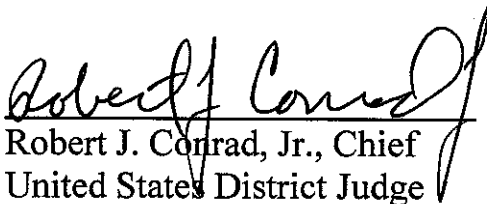
Counsel may consent to magistrate judge jurisdiction anytime after service of the Notice of Availability and are **REQUIRED** to discuss the issue of consent as part of their Initial Attorney's Conference (Rule 26(f) Conference). ***If all parties consent***, they must electronically file the Joint Stipulation of Consent to Exercise of Jurisdiction by a United States Magistrate Judge **within five days** of this conference. ***Failure to file this form by this deadline shall be presumed a declination of consent and the parties need take no further action.*** Where the parties wish to consent after such deadline, such presumption may be overcome by the filing of the Joint Stipulation and approval of the reassignment by the district judge to whom the case was assigned.

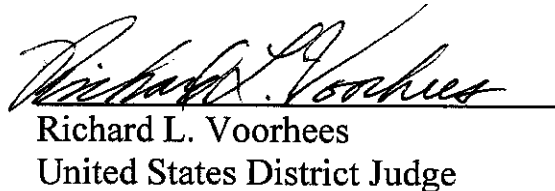
When additional parties are joined during the course of litigation, the plaintiff or removing party shall provide such parties with the documents specified in paragraph three above. The district judge or magistrate judge to whom the case is then assigned shall determine a deadline for the completion and electronic filing of the consent of the newly added parties.

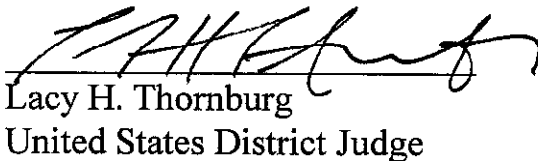
The Clerk of Court is directed to make appropriate arrangements to see that the Administrative Order is publicly available and is to include this Order in the Case Opening Packet for new civil cases.

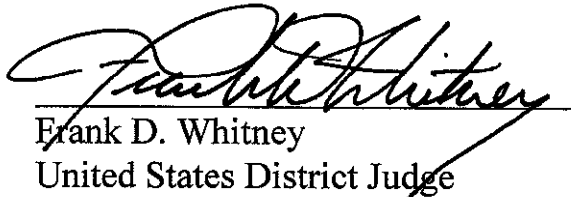
This Order shall remain in effect until such time as this Court adopts new local rules adopting these procedures.

SO ORDERED, THIS 22nd DAY OF May, 2007.


Robert J. Conrad, Jr., Chief
United States District Judge


Richard L. Voorhees
United States District Judge


Lacy H. Thornburg
United States District Judge


Frank D. Whitney
United States District Judge